

Summary Minutes of the
Delta Protection Commission Meeting
Wednesday, November 14, 2012

City of West Sacramento
Community Center
1075 West Capitol Avenue
West Sacramento, California 95691

ADMINISTRATIVE AGENDA

1. Call to Order/Flag Salute.

Chair Nottoli called the meeting to order at 5:40 p.m.

2. Roll Call.

Present: Chair Nottoli; Commissioners, Bugsch, Eggman, Ferguson, Ferrara, McGowan, Ruhstaller, Schubert, van Loben Sels, Vasquez (*for Vice Chair Reagan*), and ex-officio member Schellendorf.

Absent: Commissioners Cabaldon, Frazier, Piepho and Scriven.

3. Public Comment. Opportunity for Members of the Public to Address the Commission on Items Not on the Agenda.

No one addressed the Commission.

CONSENT AGENDA

4. Approve Minutes of September 27, 2012.

5. Adopt Commission Meeting Dates, Including Alternate Dates for 2013.

Commissioner Ruhstaller moved approval of the Consent Agenda; Commissioner Eggman seconded. The Consent Agenda was approved unanimously by voice vote.

REGULAR AGENDA

6. Discuss and Approve Election Procedures for the Positions of Chair and Vice Chair of the Commission—in Accordance With Public Resources Code §29739 and §29752.

Mike Machado, Executive Director reported that Commissioners Ruhstaller and Piepho asked that discussion of election procedures for the positions of Chairperson and Vice Chairperson be placed on the agenda. Specifically, he asked that the position of Chair be handled on a rotating basis between the Counties, with San Joaquin County first, followed by Contra Costa, Solano, Yolo and Sacramento respectively.

Commissioner Ruhstaller stated that he brought the subject up because the current Vice Chair resigned his position and would leave the Commission by December 31st; therefore creating a vacancy. He said he felt it was reasonable that the position of Chair be filled on a rotating basis particularly since the new legislation stated that the position must be filled by a Supervisor.

Commissioner Eggman asked if only County Supervisors were eligible for the position as members of the Commission represent a multitude of agencies. Jessica Tucker Mohl, Office of the Attorney General responded yes.

Commissioner Ferguson asked if legislation provided for the position of Vice Chair. Ms. Tucker Mohl responded no.

Commissioner Vasquez moved that following a vacancy in the position of Chair of the Commission, the Vice Chair shall be nominated for the position of Chair and an election for the position of Chair, pursuant to section 23739 of the Public Resources Code shall commence; Commissioner Ruhstaller seconded. The motion was approved unanimously by voice vote.

Commissioner Vasquez moved that following a vacancy in the position of Vice Chair of the Commission, the position of Vice Chair shall move into the position of Chair, and the Vice Chair position will be that of a Board of Supervisor; and, following a vacancy in the position of Vice Chair of the Commission, a Commission member identified in subdivision (a) of Section 29735 shall be nominated for the position of Vice Chair and an election for the position of Vice Chair shall follow the nomination. Commissioner Ruhstaller seconded. The motion was approved unanimously by voice vote

7. Election to Fill the Vacant Position of Vice-Chair, for a Term of Two Years to Commence November 14, 2012.

Mike Machado reported that the Commission received a letter from Mike Reagan giving his resignation as Vice Chair but would remain on the Commission until December 31st. Therefore, an election would need to take place.

Commissioner Ferrara moved to elect Larry Ruhstaller as Vice Chair of the Commission; Commissioner Vasquez seconded. The motion was approved unanimously by voice vote.

8. Adopt Resolution DPC 05-12 Specifying Boundaries for Unincorporated Towns in the Primary Zone of the Delta, in Accordance with Public Resources Code §29728.

Mike Machado reported that the above referenced Resolution would allow the Commission to bring into compliance the stating of the boundaries of unincorporated towns in Sacramento and Yolo Counties, as consistent with the Delta Protection Act of 1992. The Act defines the difference between the Primary and Secondary Zones with respect to unincorporated towns. Those areas within the boundaries of residential, industrial, and municipal zoning would be in the Secondary Zone and everything outside those boundaries would be considered in the Primary Zone. Mr. Machado stated that based on Commission staff review, the proposed maps are deemed to be in compliance with the Act and are the same maps being used by the DSC for the Delta Plan. He said adoption of the maps does place a pall over unincorporated towns in terms of what counties may be able to exercise as it relates to the conformity of the Land Use and Resource Management Plan (LURMP)—which is enforceable as law and outside the purview of the Commission. He also said the Commission would be called upon to evaluate issues that may arise between the Counties and limitations imposed by the Delta Plan.

Chair Nottoli added that he was in favor of the maps as they give county planning departments some flexibility and guidance to make land use decisions that go hand in hand with good applications of planning procedures.

Cindy Storelli, Sacramento County Community Development noted that Sacramento County is unusual in that it has quite a few lots with residential and/or commercial zoning which are outside of the unincorporated towns throughout the Delta. She said the County is willing to work with the Commission so that the landowners that may want to expand on those lots will be able to do so.

Jessica Tucker Mohl noted that the LURMP is a set of policies and standards that is not as tight as language in the Delta Plan; therefore, the Commission should think about strengthening the language during the next LURMP update cycle.

Commissioner Ruhstaller asked if counties would be frozen with respect to growth or would flexibility be allowed once the Resolution was adopted and the Delta Plan approved. He also asked if the LURMP, the Delta Plan, and Counties' General Plans be in alignment in the future. Mike Machado responded that this type of oversight often takes place when trying to draft legislation, but it is not in the Commission's purview to act beyond the Management Plan.

Commissioner Schellendorf noted that until there is a problem with the legislation, the Delta Stewardship Council would be unwilling to consider any modifications—which leaves Communities “caught” in the hopes the Delta Plan will lead to a road map.

Commissioner van Loben Sels stated that the Commission must find a process to allow small communities grow. He said the Commission and counties should let the Delta Stewardship Council know it is drawing a hard line—which is not good for the Delta communities.

Commissioner Ruhstaller moved to adopt Resolution DPC 05-12 specifying boundaries for unincorporated towns in the Primary Zone of the Delta; Commissioner Shubert seconded. The motion was approved unanimously by voice vote.

9. Update on Delta Working Landscapes Program (DWL).

Mike Machado reported the Commission convened a Delta Working Landscapes Workshop in October in Walnut Grove. The workshop was designed to explain the program and its benefits for private landowners to combine environmental stewardship while protecting agriculture. Panelists included government representatives as well as farmers who discussed the pros and cons of such a project.

10. Update on Risk Assessment and Emergency Preparedness Relating to Delta Plan and Department of Water Resources Grant.

Mike Machado reported that met with CalEMA and Department of Water Resources to see what role the Commission could play with respect to Senate Bill 27.

11. Update on Projects Proposed by the Coalition to Support Delta Projects.

Mr. Machado noted the Coalition submitted 42 projects with no priorities; however was asked by the DSC to assign a priority.

Commissioner Ruhstaller noted that a panel will be facilitated at CSAC to discuss the projects.

12. Report From the Executive Director, Including Informational Updates on Activities and other Delta Initiatives.

Mike Machado highlighted a few of the activities of Commission staff to date—including participation in a multi-jurisdictional meeting regarding risk assessment and levee standards; presentations on the Delta Plan before the CORO Los Angeles Foundation, Sacramento County, and the Senate Select Committee on Delta Stewardship and Sustainability. Other activities include monthly meetings with the Coalition to Support Delta Projects, and meetings with the Yolo Resource Conservation and Development staff regarding Delta Working Landscapes.

13. Comments and Announcements From Members of the Commission.

Commissioner Eggman announced that this would be her last meeting as she was elected to the State Assembly. She also noted that Commissioner Frazier was elected to the Assembly.

Mike Machado announced the Commission staff received a letter from the Sacramento-San Joaquin Delta Conservancy requesting a joint meeting between the two groups. Chair Nottoli responded the Commission would discuss the topic in January.

14. Adjourn

The meeting was adjourned at 7:20 p.m.